

TSMC-01-1372



March 25, 2003

To: Commissioner of Patents and Trademarks

Washington, D.C. 20231

Attn: Art Unit 2813 - Thanhha S. Pham

From: George O. Saile, Reg. No. 19,572

28 Davis Avenue

Poughkeepsie, N. Y., 12603

Subject: | Serial No.: 10/017,955 12/14/01 |

Harry Chuang

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| \_ Art Group: 2813 Thanhha S. Pham \_ |

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Restriction or Election  
Requirement in the Office Action dated 03/11/03. In that  
Office Action, restriction was required to one of two stated

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being  
deposited with the United States Postal Service as first class  
mail in an envelope addressed to: Commissioner of Patents and  
Trademarks, Washington, D.C. 20231, on ~~March~~ <sup>APRIL 2</sup>, 2003.

Stephen B. Ackerman, Reg.# 37761

Signature/Date

 4/2/03

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Inventions under 35 U.S.C. 121. The Inventions stated are Group I - Claims 47-77 to a process, classified in Class 438, subclass 622+ and Group II - Claims 78-87 to an integrated circuit device, classified in Class 257, subclass 762+.

Applicant provisionally elects to be examined the Invention described by the Examiner as Group I - Claims 47-77 drawn to a process classified in Class 438, subclass 622+. This election is made with traverse of the requirement under 37 C.F.R.1.143 for the reasons given in the following paragraphs.

The Examiner is respectfully requested to reconsider the Requirement for Restriction given in the Office Action. The Examiner gives the reason for the distinctness of the two inventions as (1) that the process as claimed can be used to make other and materially different products or (2) that the product as claimed can be made by another and materially different process (MPEP 806.05(f)). However, upon reading the product Claims against the process Claims one can readily see that the product Claims are directed to "an integrated circuit device" and the process Claims are directed to "a method of forming copper interconnects in the fabrication of integrated circuit device", it is necessary to obtain claims in both the product and method claim language. The method Claims necessarily use the product and vice versa. The field of search must necessarily cover both the method class/subclass

438/622+ and products class 257/762+ in addition to other related Classes and subclasses to provide a complete and adequate search. The fields of search for the Group I and Group II inventions are clearly and necessarily co-extensive. The Examiner's suggestion that "In the instant case, the product invention II can be made by another and materially different process, for example: providing a temporary substrate; forming a second copper line with a slot on the temporary substrate; forming a single via isolated from other vias on the second copper line wherein the second copper line, the single via and the other vias are defined as a copper interconnect; forming an insulating layer on the second copper line and between the single via and the other vias; forming a first copper line on the insulating layer wherein the first copper line is connected to the copper interconnect; forming a substrate on the first copper line; and removing the temporary substrate (see claims 70 and 78 for details). Moreover the method invention I can be used to make other and material different products, for example, an integrated circuit comprising a first copper line over a substrate but without an overlying second copper line in a copper interconnect (see claims 47 and 78 for details)", is very speculative and really has nothing to do with the Claims as presented in this Patent Application. Further, it is respectfully suggested that these reasons are insufficient to place the additional cost of a second Patent Application upon the Applicants. Therefore, it

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is respectfully requested that the Examiner withdraw this restriction requirement for these reasons.

Withdrawal of the Restriction Requirement and the Allowance of the present Patent Application is requested.

Sincerely,

A handwritten signature in black ink, appearing to be 'SBA', written over the word 'Sincerely,'.

Stephen B. Ackerman, Reg.# 37761